

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Registration & Stamps Department – Allegation of corruption against Sri Mohd.Iqbal, former Sub Registrar, Pulivendula, Kadapa District (Retired) - Surprise Check conducted on the office of the District Registrar, Kadapa on 15.06.2007 – Disciplinary Proceedings under Rule 9 of A.P.R.P. Rules, 1980 – Provisional decision to impose a penalty of withholding of Rs.2,000/- from gratuity – Show Cause Notice Explanation received – considered – Orders – Issued.

REVENUE (VIGILANCE-VI) DEPARTMENT

G.O.Rt.No.527.

Dated: 31.03.2012.
Read the following:-

- 1) From the C & I.G., R & S, A.P., Hyderabad, Charge Memo.No.Vig.2/1054/2007, dated: 08.05.2008.
- 2) From Sri Mohd.Iqbal, Sub-Registrar, written statement of defence dated: 17.05.2008.
- 3) From the DIG, R&S, Kadapa & REO, Lr.No.S/165/2008, dated: 29.07.2009.
- 4) From the C & I.G., A.P., Hyderabad, Show Cause Notice No.Vig.2/10544/07-5, dated: 09.11.2010.
- 5) From Sri Mohd.Iqbal, Sub-Registrar, representation, dated: 20.12.2010.
- 6) From the C&IG, A.P., Hyderabad, Lr.No.Vig.2/10544/2007-5, dated: 09.06.2011.
- 7) Memo.No.56101/Vig.VI (1)/2007-7.Dated: 26.09.2011.
- 8) From the C & I.G., R & S, Hyderabad, Lr.No.Vig.2/10544/2007, dated: 30.12.2011 together with the explanation of Sri Mohd.Iqbal, former Sub Registrar, Pulivendula, Kadapa District (Retired) dated: 14.12.2011.

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Where as the Commissioner and Inspector General, Registration & Stamps Department, A.P., Hyderabad in the reference 1st read above has issued the following article of charge against Sri Mohd.Iqbal, former Sub Registrar, Pulivendula, Kadapa District (Retired).

CHARGE:

“On 15.06.2007, he committed grave misconduct in as much as he failed to give full and true account of the cash of Rs.2,900/- found in his possession and failed to give particulars of the means by which and source from which the cash of Rs.2,900/- was acquired.”

2. Where as the charged officer i.e., Sri Mohd.Iqbal, former Sub Registrar, Pulivendula, Kadapa District (Retired) in the reference 2nd read above has submitted his written statement of defence and denied the charge. Government after examination of the written Statement of Defence, a regular inquiry was ordered by appointing the Deputy Inspector General, Registration & Stamps Department, Kadapa as Inquiring Authority to inquire into the charge. The Regular Enquiry Officer has conducted enquiry and submitted her enquiry report in the reference 3rd read above holding that the Charge as not proved.

3. Government after examining the Regular Enquiry Officer's report, have disagreed with the findings of the enquiry officer and vide reference 4th read above while communicating the Regular Enquiry Officer's report, a show cause notice was issued to the Charged Officer with the following disagreement factors.

- i) As per Commissioner and Inspector General, Registration & Stamps Department, A.P., Hyderabad, Cir.Memo.No.X210708/94, dated 30.12.1997, in all case of surprise check where unaccounted cash is found with the employee or in the premises of the office and with the unauthorized persons in the office, the normal presumption shall be that it is illegal amount obtained as bribe from the parties. The Surprise Check party seized the amount of Rs.2,900/- from his possession and found that he possess the said amount in violation of G.O.Ms.No.200, General Administration (Ser.C) Department, dated 26.03.2007.
 - ii) As per G.O.Ms.No.200, General Administration (Ser.C) Department, dated 26.03.2007 all the employees of all departments dealing with cash including revenue collecting reporting to duty if in excess of Rs.500/- and cash may be declared while on tour if in excess of Rs.10,000/-.
 - iii) The View that it is not a newly introduced procedure by the Government, but it was an enhancement of ceilings for every occasion. As these instructions already prevailing in the Government, for declaration of Cash, the non-receipt of said G.O. by the Charged Officer and also not aware of the contents of the G.O. is not an excuse for non-declaration of the cash while on duty or on tour.
 - iv) As per this office circular instruction dated 30.12.1997 regarding unaccounted cash found undersigned is unable to accept the findings of I.A. in this regard treating the charge as not proved. Hence the undersigned treats the charge against the Charged Officer against whom charge were framed on this count as proved.
 - v) The standard of proof required in a departmental oral inquiry differs materially from the standard of proof required in criminal trail. The Supreme Court has given clear rulings to that effect that a disciplinary proceedings is not criminal trail and that the standard of proof required in a disciplinary enquiry is that of preponderance of probability and not proof beyond a reasonable doubt.
 - vi) Hence, a view is taken that the findings of the I.A. against the Charged Officer cannot be accepted as the charges framed against him have to be treated as proved in view of the above position.
 - vii) As the Sub-Registrar who attended the meeting did not declare his cash in the personal cash declaration register either in the place of work or at the meeting place, the charge against the Charged Officer is held as proved.
4. In reply to the show cause notice, the Charged Officer has submitted his explanation in the reference 5th read above, stating that he did not declare the amount of Rs.2,900/- which was brought from his house for purchasing home needs at Kadapa as he attended the official meeting at the O/o. District Registrar, Kadapa with District Registrar and this is the practice in vogue since long time. He has requested to drop further action in the matter.
5. Government after examining the matter in detail, have observed that the representation of the Charged Officer on the above disagreement factors is not acceptable as it is seeking to make a deviation the practice and therefore, provisionally it was decided to impose a penalty of withholding of Rs.2,000/- from the gratuity against Sri Mohd.Iqbal, Sub Registrar (Retired) under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980.
6. Accordingly, a show casue notice was issued to Sri Mohd.Iqbal, Sub-Registrar (Retired) in the reference 7th read above to show cause as to why a penalty of withholding of Rs.2,000/- from his gratuity should not be imposed on him for the above said lapses. The charged officer in the reference 8th

read above, has submitted his explanation to the show cause notice stating that he accepted the orders of the Government.

7. Government after careful examination of the matter have decided to confirm the provisional decision of imposing a penalty of withholding of Rs.2000/- from the gratuity of the charged officer. Accordingly, a penalty of withholding of Rs.2000/- from his gratuity is hereby imposed on Sri Mohd.Iqbal, Sub Registrar (Retired).

8. The Commissioner and Inspector General of Registration and Stamps Department, A.P., Hyderabad is requested necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**M.SAHOO
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri Mohd.Iqbal, Sub Registrar (Retired).

(through the C & I.G., R & S, Kadapa)

The Commissioner and Inspector General,
Registration & Stamps Department, A.P., Hyderabad.

The Deputy Inspector General,
Registration & Stamps Department, Kadapa,
at Door No.20/1062, Co-operative Colony, Kadapa.

Copy to:

- 1.** The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Hyderabad.
- 2.** The Director General,
Anti Corruption Bureau, A.P., Hyderabad.
- 3.** The District Treasury officer, Kadapa.
- 4.** The District Registrar, Kadapa.
- 5.** The Accountant General, A.P., Hyderabad.
- 6.** SC / SF.

// FORWARDED :: BY ORDER //

SECTION OFFICER